

## **CHAPTER 3**

# **GENERAL ASSISTANCE**

### **SECTION I – General Assistance**



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# GENERAL ASSISTANCE

**T**he General Assistance (GA) program provides Cash Assistance for some people who are not eligible for TANF, including people with disabilities, victims of domestic violence, and people who are in drug or alcohol treatment. Applicants for and recipients of GA have the same appeal rights as for TANF. Be sure to appeal anytime a client is denied GA, or is notified that her GA benefits will be reduced or terminated.

See **Chapter 9** for more information on Appeals.

## **Q** *Who is eligible for Cash Assistance under the GA program?*



People who can qualify for GA include those who:

- ▶ are escaping from domestic violence (eligible for GA benefits on this basis for only nine months in a lifetime)
- ▶ have a temporary or permanent physical or mental disability
- ▶ are in a drug treatment program, if the treatment prevents them from working (eligible for GA benefits on this basis for only 9 months in a lifetime)
- ▶ are under age 18 and do not live with relatives or live in a two-parent family that is not eligible for TANF (most children who live with relatives get help under TANF)
- ▶ are caring for a child who is not related to them or are caring for someone in their household who is ill or has disabilities and there is no one else to care for them
- ▶ are in a two-parent family that is not eligible for TANF (because both parents are healthy and do not have enough recent work history) and have a child under age 13 (The rules for two-parent families are


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complicated. If you think that your client's family might qualify for GA under this category, advise her to speak with someone at legal services.)

**TIP:** *If your client can establish eligibility for GA on the basis of disability, she is better off qualifying on that basis rather than on the basis of domestic violence. The disability can be physical or mental, including depression, anxiety, or post-traumatic stress disorder. She will not be faced with a time limit for benefits and she will not have to reveal personal information about domestic violence that would raise privacy and safety concerns.*

### **What are the financial eligibility requirements for GA?**

 GA provides a maximum of \$174 to \$215 a month (the amount varies in different parts of the State) for one person.

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See **Appendix B, Section I**, for the list of maximum Cash Assistance grants (called "family size allowances").

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To be eligible for GA, a person has to have little or no income. For the first four months your client receives GA, she can earn \$50 per month without having her grant reduced. Any amount over \$50 during the first four months and any amount earned after the first four months will reduce her grant dollar for dollar. The only exception is that her caseworker will allow her a \$25 monthly deduction from her income for work expenses, such as transportation and union dues.

Unearned income (Social Security, VA benefits, a private pension, Unemployment Compensation etc.) is counted against the welfare grant dollar for dollar. The only deduction is for any expenses incurred in getting the income (for example, court costs or attorney's fees). Any spousal or child support has to be paid to the welfare department, which will "pass-through" up to \$50/month of the support to the GA recipient.

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See **Chapter 2, Section VIII**, for information about Support.

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**Q** *What are the requirements to qualify for GA as a victim of domestic violence?*

**A** To qualify for GA on the basis of domestic violence, your client must be pursuing or receiving protective services. Protective services are services that provide your client with assistance in addressing the abuse.

They can be from any agency or branch of government (including the courts or the police) or from a social services agency. They may include (but are not limited to) the following services:

- ▶ living in an emergency shelter or emergency housing for abuse victims
- ▶ receiving supportive counseling from an abuse program
- ▶ receiving services to prevent further potential abuse
- ▶ receiving services necessary to remain at home
- ▶ filing assault or battery charges against the abuser at the police department
- ▶ obtaining a Protection From Abuse (PFA) order, restraining order or a peace bond against the abuser (CAH § 105.46)

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See **Appendix C** for a copy of CAH 105.46.

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**TIP:** *Advocates have reported that some caseworkers are steering domestic violence victims into GA instead of TANF. Domestic violence victims who are pregnant or have children are eligible for TANF and should be given TANF rather than GA.*

**Q** *What proof does a victim have to present to qualify for GA on the basis of domestic violence?*

**A** Your client will need to present verification that she is pursuing or receiving protective services. Such verification may include:

- ▶ phone contact from a domestic violence service provider
- ▶ letters from a domestic violence counselor or shelter staff

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- ▶ court documents such as a PFA order
- ▶ police records
- ▶ any other documentation from any entity providing assistance (CAH § 105.46)
- ▶ the *Domestic Violence Verification Form* with Section 2 or 3 completed.


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See **Appendix C** for a copy of CAH 105.46.

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**TIP:** Remember that there is a 9 months in a lifetime time limit on GA benefits in this category, whereas there is no time limit on GA benefits based on disability. Always consider whether your client could qualify for GA based upon disability instead of in the domestic violence category.

### *What about a victim of domestic violence who is also in a drug and alcohol treatment program?*

 She could be eligible for nine months of GA under both the domestic violence or the drug treatment category; she can decide which category to receive benefits under first, and can receive benefits under the other category afterwards, if she continues to meet the requirements of that category. To be eligible under the drug treatment category, she must accept treatment, if it is available and appropriate, and be unable to engage in employment due to the treatment program. The CAO will require provider verification. (CAH§105.45)

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See **Appendix C** for a copy of CAH §105.45.

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**TIP:** If your client has a disability, it is always better to be in the “disabled” category because there is no time limit on benefits under the GA “disabled” category.

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See **Appendix C** for *Welfare Eligibility for People in Drug Treatment*.

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**Q** *What are the requirements to qualify for GA as a person who has disabilities?*

**A** To qualify for GA on the basis of disability, your client must get an *Employability Assessment Form (EAF)* completed by a physician or psychologist who has a MA provider number from DPW. The disability can be temporary or permanent, and it can be physical or mental. The person is eligible for GA as long as the doctor or psychologist continues to say that she has disabilities and is unable to work as a result of the disability. Depression, anxiety, and post-traumatic stress disorder all count as disabilities. Under the state statutes and regulations, addiction also counts as a disability, but there is a lot of confusion at the CAOs about this. If your client has any other medical or psychiatric problem, that problem should be listed first on the EAF (or don't list the addiction at all), to prevent problems at the CAO. If addiction is the only basis for disability, you may need to do an appeal in order to get the CAO to put your client into the disabled category for GA, although the CAO may do it if you fax them a copy of the CAH §105.43.

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See **Appendix C** for a copy of CAH §105.43.

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**TIP:** *If the doctor or psychologist says your client has a disability for 12 months or more, your client will get a better category of MA benefits and will be referred to a CAO Disability Advocacy Program (DAP) worker for assistance in applying for SSI.*

**TIP:** *If the doctor or psychologist says your client is temporarily disabled, the dates for when the disability began and when it is expected to end must be filled in, or the form will not be accepted by the CAO. If the doctor is uncertain when the disability will end, she/he must put in a best estimate of how long it will last. If the doctor writes in "unknown" or "two months post-surgery," the form will not be accepted. The CAO needs a date that they can put into the computer. The client will need to get another EAF completed at the end of that time period, or her benefits will be terminated.*

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**TIP:** Urge the doctor or psychologist to put in the longest time they can ethically, to avoid a need for multiple forms. For example, if the client has a chronic condition but the doctor keeps putting down three months, the client will need to keep getting forms completed every three months, and the odds of her benefits being unnecessarily terminated because of a problem getting the form completed and the data input into the CAO computer are high.

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See **Appendix B, Section V**, for a copy of the EAF, along with an informational handout for physicians and psychologists.

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**Q** *If she meets the requirements, can my client receive benefits under the disabled, domestic violence, and drug treatment categories at different or successive times?*

**A** Yes.

**Q** *Can a client who has been getting benefits under the domestic violence or drug treatment categories be switched to the disabled category, if she meets the requirements?*

**A** Yes. If you have a client who is getting benefits in one of the time-limited GA categories, it is an excellent idea to get her switched to the disabled category if she meets the requirements. Get an EAF completed, give it to the CAO, and ask that they switch her category right away. If the doctor puts an earlier date on the EAF for when her disability began, you can ask the CAO to retroactively switch her category. This is very important, since she may need the nine months of potential eligibility under the domestic violence category (or under the drug treatment category) at another time in her life.

See **Appendix B, Section V** for a copy of the EAF and instructions.

A client who is denied benefits in a particular category, or is assigned to a GA category she disagrees with, can appeal that decision.

See **Chapter 9**, for more information on Appeals.

**Q** *What if my client has been convicted of a crime?*



If your client has been convicted of a crime, she must do everything the court orders or she cannot get Cash Assistance. Generally, your client cannot get Cash Assistance if she:

- ▶ has a bench warrant (unless she turns herself in); or
- ▶ violates probation or parole (until the problem is resolved)
- ▶ has lied about where she lives in order to get welfare from more than one state (there is a disqualification period)
- ▶ is disqualified because of a welfare fraud conviction (there is a three strikes system for how long the disqualification lasts)

If your client's benefits are cut off for any of the reasons listed above, her children are still eligible for assistance.

**TIP:** *If your client is in any of the above circumstances, she may be able to resolve the matter so that she can get benefits. If she has an outstanding warrant, a probation or parole violation or a fine, she should talk to a criminal defense lawyer.*

**TIP:** *There used to be a lifetime ban that prevented women with felony drug convictions from getting TANF, General Assistance or Food Stamps. That ban was lifted in Pennsylvania several years ago, but sometimes individuals still erroneously think they cannot get benefits as a result of a felony drug conviction.*

**TIP:** *Welfare caseworkers often erroneously tell women that they are ineligible. The data base that the welfare department checks often has errors in it. Any time a client is told that she cannot get benefits because of a criminal record, you should double check to be sure*

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*whether the caseworker correctly understands the nature of the client's criminal record and what the welfare rules say. Often a letter from a criminal defense attorney or probation officer can resolve any confusion about the woman's criminal record. If the problem is identity theft, or an error in the data base, you may need to assist the client in getting it resolved. Contact the local legal services program if you need help.*

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See **Appendix B, Section I**, for more information on how criminal records affect eligibility for benefits.

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### **Q** *Are GA benefits available for teens who are not pregnant or parenting?*



You may be asked for help by a teenager who is living alone, or with people to whom she is not related. Teenagers who are not pregnant, and do not have children, cannot get TANF benefits other than as a child; a related adult would need to apply for them. However, they can get General Assistance (GA) on their own if they are married or age 16 or older (see CAH §121.2).

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See **Chapter 2, Section X** for more information about benefits for teens.

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### **Q** *Does the FVO apply to GA?*



The FVO is part of the federal law that created TANF. However DPW has agreed to apply the FVO to GA as well as to TANF. The same rules about cooperation on spousal and child support and about claiming good cause for non-cooperation that apply to TANF recipients apply to GA recipients as well.

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See **Chapter 9**, for more information on Appeals.

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See **Chapter 2, Section VIII**, for more information about welfare and Support.

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The same rules about participation in work requirements and waivers based on domestic violence or other exemptions that apply to TANF recipients apply to GA recipients as well. See CAH 108.2 and 108.61

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See **Chapter 2, Sections V, VI, and VII**, for more information about Employment, Education, and Special Allowances.

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If you have difficulty with the CAO not understanding that the FVO applies to GA as well as to TANF, contact PCADV and the authors of this manual. The client has a right to appeal if she is denied a domestic violence waiver for any GA or TANF requirement.

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See **Appendix A, Section I**, CAH § 108.2 and 108.61 are clear that the FVO applies to GA as well as TANF.

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**Q** *What if my client just moved to Pennsylvania from another state?*

**A** Your client's eligibility for GA benefits in Pennsylvania is not affected by the fact that she just moved to Pennsylvania from another state. Although the Pennsylvania legislature adopted a law that included a 60 day residency requirement that would have forced applicants moving from another state to wait 60 days before they could receive benefits, a federal court found this requirement unconstitutional in December 1997. Therefore, DPW is not allowed to enforce this requirement. As long as your client is currently a resident of Pennsylvania (no matter how recently she became a resident of Pennsylvania), she can get benefits.


However, there are two complications that may occur connected to her move to Pennsylvania. The first complication is that if she was receiving benefits in another state, she must notify the other state to cut off her benefits as a condition of getting benefits in Pennsylvania. The CAO will want proof that she has notified the other state to terminate her benefits, and will count any benefits she has actually received as income during the month she received them. If she has difficulty reaching the welfare office in the other state, you can ask the welfare office to make a "collateral contact" with the other state for your client. You can also provide the welfare office with a letter stating that you have tried to contact the other state.

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The second complication is that the CAO may refer her for a “front end investigation” by the OIG before her benefits are approved, because moving from another state is one of the criteria they use for referral for these investigations. The investigators are often insensitive to domestic violence issues, and the investigations often have the result of intimidating clients who are actually eligible for benefits, and inappropriately convincing them to withdraw their applications. DPW had agreed to stop doing routine front end investigations, and that domestic violence survivors would not generally be referred for investigation by OIG, however we still sometimes hear about front end investigations taking place. Problems with the OIG investigators are the subject of ongoing advocacy on a state-wide basis. If you or your clients have difficulty with an OIG investigator, talk with the Executive Director of your CAO, and notify PCADV and the authors of this manual.

### ***What if my client is not a U.S. citizen?***


 If your client is an immigrant, her eligibility for public benefits depends on certain federal and state laws. Unlike some other states, Pennsylvania does not impose a five-year bar against new immigrants seeking GA, TANF, or MA benefits. Pennsylvania continues to provide GA, TANF, and MA to lawful immigrants, regardless of their date of entry.

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See **Chapter 8**, for more information about Immigrant Status and Public Benefits.

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### ***Can my client go to school or to an employment and training program?***

 Clients who are getting GA can get Special Allowances to go to school or to vocational training programs just like clients who are getting TANF, and clients who are exempt from the work requirements (because of disability or a child under one year of age) or who have a domestic violence waiver can be “volunteers.”

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See **Chapter 2, Sections V, VI and VII**, for more information about Employment, Education, and Special Allowances.

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#### Appendix C:

- ▶ *Welfare Eligibility for People in Drug Treatment*
- ▶ CAH §§ 105.4 through 105.46